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subject of a state, by reason of his allegiance, was subsidiarily responsible for all the acts and defaults of his state (Grotius); later, on the theory of legitimate reprisal (Puffendorf). In modern times the theory that property rights are human, not civil, rights has caused these remedies to fall into desuetude. There remains nothing but state action in behalf of creditors against the defaulting state itself, by seizure and administration of its territory and revenues; and this remedy is actually resorted to only as against weak and half-civilized communities. Meili argues for an international court which shall be empowered to investigate the claims of creditors and the resources of defaulting states, and to decree, in any needful case, such measures as the great European states have taken in the case of Egypt. That such a court can at present be established he does not assert; but he thinks that the way may be paved for its eventual establishment by special arbitration conventions. From every state that borrows, the lenders should exact a pledge that in case of default, the state will submit to the decrees of a tribunal of arbitration. How the decrees of the arbiters are to be enforced he thinks it needless to discuss, since no instance has yet occurred in which a state has consented to arbitration and has then refused to abide by the decision.

It is evident that both of the new societies whose work we have been examining deserve support from all who are interested in comparative jurisprudence. Their publications will be indispensable to the student, and should find a place in every important university library and law library in the United States. In the list of members of the English society there seem to be, at present, but two American universities — Columbia and Michigan. Applications for membership in the English society may be addressed to Albert Gray, Esq., 2 Paper Buildings, Temple, London, E.C. Applications for membership in the Berlin society may be sent to Dr. F. Meyer, W. Lützow Ufer, 32. The annual subscription to the English society is a guinea; to the German association, twelve marks.

MUNROE SMITH.

The English Constitution. A Commentary on its Nature and Growth. By JESSE MACY, M. A., Professor of Political Science in Iowa College. New York, The Macmillan Co., 1897. — 534 pp.

This book consists of two parts. The first contains an exposition, compressed within the limits of one hundred pages, of the English constitution as it is at present. The second part is a commentary

on the historical development of that constitution from the Norman conquest to the present time. Viewed as a whole, the work lies within the domain of political science and constitutional law more truly than in that of history. The object of the author has been to expound the modern English constitution and to explain historically its origin. Therefore, to speak after the manner of the clergy, the text is to be found in the first part and the illustrative commentary in the second part. The volume, then, is in conception and execution a unit, and the history contained in it is written with a purpose — with the view of showing a distinct outcome and conclusion. The author has kept the end of his journey in sight from its beginning. Material has been selected and arranged, and the emphasis laid upon it with a view to illustration and exposition.

The book is, moreover, the outcome of class-room work and has a distinct pedagogical purpose. The author designs it to aid American students to a clear understanding of the English constitution. Two cardinal facts in American constitutional development have been the existence of the formal written document and the separation of powers. Hence Professor Macy has made prominent the opposite characteristics in the English system — the concentration of powers and the substitution to a large extent of custom or understanding for the written constitution. This comparison, more implied than expressed, is wrought into the substance of the book, and to a considerable extent determines its character.

Finally, the author lays no claim to the merit of original research. He has simply used with diligence and judgment the material contained in the standard secondary authorities. In his pages their views are reflected, but in such a way as to show that in the author's mind they have been carefully sifted and analyzed, and that from them he has drawn his own independent conclusions. In the expository part of the volume Professor Macy fully acknowledges his indebtedness to Bagehot. The spirit of Bagehot's realism, his keen search for the substance which lies beneath and behind the form, is caught and reproduced in many passages. But Dicey, May and the other standard writers, both on the law and the history of the constitution, have been used with care. It would seem that in the historical part of his book Professor Macy is as much indebted to material and suggestions contained in May's chapter on the influence of the crown as in the expository part he is indebted to Bagehot and Dicey.

As the history contained in this book is of special interest to the reviewer, he may be excused for dwelling particularly upon it. The

originality and intrinsic merit of the view of English constitutional development presented in the volume will also justify this course. Though Professor Macy devotes himself chiefly to the task of showing how the democratic elements in the society and constitution of England have developed, one of his excellencies is that he does not attribute too great antiquity to this phenomenon. He is inclined throughout to emphasize the prominence of the crown in the constitution. He realizes that prior to the Tudor reigns Parliament, and especially the House of Commons, occupied a precarious position, and, had it seriously opposed royal policy, might have been abolished. In those ages, as *Magna Carta* shows, the king could be effectively coerced only by war, and not by political action. Professor Macy's view of English history hinges more perhaps than that of any other writer on the Tudor period. The central thought of the historical part of his book may apparently be found in the following passage.

The Tudor rulers had championed the unrepresented English people as against privileged classes, and in so doing they had nursed into life a representative assembly capable of competing on equal terms for the support of the nation. From the political contention thus joined has been developed the modern constitution (p. 245).

His treatment of English history, particularly since the Revolution of 1689, is an elaboration of the idea contained in the last of these sentences. On its practical side, says he (p. 320), the ideal of the Tudors and the Stuarts was a unified system wherein legislation was an incident of government, and harmony was secured by committing legislative business to the control of administrative officers. He implies that if Parliament in its conflict with the Stuarts had fully triumphed, it, as distinct from the crown, must have assumed control, and some sort of a formal constitution providing for a separation of powers must have resulted (p. 319). But, instead, by the gradual development of the cabinet the characteristics of the Tudor system of government have been preserved, only that the voting constituency has taken the place of the monarch as the center of control. This has made it possible "for the individual and absolute form of government perfected by the Tudors to be transmuted into a modern, absolute democratic cabinet." Thus the ideals both of the crown and of the hostile House of Commons have in a sense been realized: but in order to secure this both king and Parliament have been compelled to forego personal preferences and "to make of themselves deliberate and conscious agencies for carrying into effect the will of the nation."

The chief merit of the book lies in the forcible manner in which its author has traced the history of this change as it was wrought out during the century between Walpole's administration and the first Reform Bill. The treatment of George III is particularly successful. By omitting details and ignoring irrelevant subjects, Professor Macy has thrown into strong relief the commanding power and position of the king. He was able to appoint, control and remove ministries, because he could always secure a majority in the Commons and because the cabinets were not units. The first ministry that was able to stand together and assert its policy was that of Earl Grey, and it did so because it was backed by the imperious demand, especially of the unrepresented part of the nation, for Parliamentary reform. At this crisis the king lost his power of appointing and removing ministers at his will and of dictating their policy, while the ministry itself became a unit under the headship of the premier. At the same time the House of Lords lost its position of equality with the Commons, and the latter definitely assumed the leadership as the mouthpiece of democracy within the nation. By this process the power of the Tudor monarch — that power which George III had come so near recovering — passed to the cabinet, and under its leadership Parliament again found its strength — and that in enhanced degree. Though the material in the book is not in all respects well arranged, Professor Macy has made a contribution to the literature of his subject which should commend itself to thoughtful students on both sides of the Atlantic.

H. L. OSGOOD.

Southern Statesmen of the Old Régime: Washington, Jefferson, Randolph, Calhoun, Stephens, Toombs and Jefferson Davis. By WILLIAM TRENT, M.A. New York, Thomas Y. Crowell & Co., 1897. — xv, 293 pp.

The writer of this attractive series of lectures is a Southerner "who cannot recollect ever seeing a slave, and who has never believed in the doctrine of state rights *per se*." He is one of the younger men of the South who as authors and scholars are bringing to their section a new fame and a more worthy name than that begotten in the old *régime* by the contributors to that "farrago of pathetic nonsense known as pro-slavery literature." The lectures included in this volume were delivered at Madison, Wisconsin, before an audience of students and townsmen; they are popular in form and character, without lacking dignity, accuracy, or literary finish. Their